

LANDMAN CORSI BALLAINE & FORD P.C.

A NEW YORK PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

CRISTI L. LUCKOW
ASSOCIATE
TEL: (212) 238-4806
EMAIL: cluckow@lcbf.com

120 BROADWAY
27TH FLOOR
NEW YORK, NY 10271-0079
TELEPHONE (212) 238-4800
FACSIMILE (212) 238-4848
www.lcbf.com

One Gateway Center
Newark, NJ 07102
Tel: (973) 623-2700

2133 Arch Street
Philadelphia, PA 19103
Tel: (215) 561-8540

June 19, 2009

VIA ECF and FACSIMILE (718) 613-2345

The Honorable Robert M. Levy
United States Magistrate Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Brian Hopkins, Liana Hopkins and Sean Hopkins v. National Railroad
Passenger Corporation a/k/a Amtrak and Massachusetts Bay Transportation
Authority
Index No.: 08-CV-2965 (NGG) (RML)
Our File #: 148-2221

Dear Magistrate Levy:

The parties to the above referenced action, through counsel, submit this joint letter with respect to the status of discovery and in compliance with Your Honor's directive at the Initial Status Conference. The parties are scheduled to appear for a further conference on October 19, 2009 at 2 p.m. The parties have been cooperating and discovery is ongoing.

This case involves an incident in which plaintiff, Brian Hopkins, age 24, was electrocuted on July 9, 2006, on top of a parked Acela train at South Station in Boston, Massachusetts.

To date, both Plaintiffs and Defendants have responded to interrogatories and requests for documents served by the parties. The deposition of Brian Hopkins was held on April 28, 2009. Defendants have requested numerous authorizations from plaintiff and are awaiting responses to a few of them. Defendants have reserved the right to seek Court intervention to reopen plaintiff's deposition, if necessary, based upon new information received pursuant to the authorizations. Plaintiffs have stated they will likely object to any further deposition of Brian Hopkins.

Plaintiffs served several Notices of Deposition for witnesses from the Massachusetts Bay Transportation Authority ("MBTA") and defendants have agreed to provide three witnesses for depositions. Plaintiffs contend they are entitled to depose everyone from the MBTA who responded to the incident. Defendants are currently in the process of scheduling the three depositions they agreed to, but anticipate that they will be held this month or at the latest, during the first week of July in Boston. The depositions of plaintiffs Liana and Sean Hopkins will be scheduled and defendants anticipate taking the non-party deposition of Peter Arhangelsky, the friend that was with Brian Hopkins immediately prior to the incident. Plaintiffs intend to serve Notices of Deposition for numerous employees of Amtrak. Amtrak reserves its right to object to the number of depositions that plaintiff may seek.

Landman Corsi Ballaine & Ford P.C.

The Honorable Robert M. Levy
June 19, 2009
Page 2

The parties are available if Your Honor should require any additional information.

Respectfully submitted,

Landman Corsi Ballaine & Ford P.C.

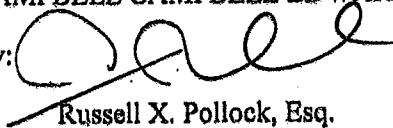
By:



Cristi L. Luckow (CL 0415)
Mark S. Landman (ML 7654)
Attorneys for Defendants National Railroad
Passenger Corporation and Massachusetts Bay
Transportation Authority
120 Broadway, 27th Floor
New York, NY 10271-0079
(212) 238-4800

CAMPBELL CAMPBELL EDWARDS & CONROY

By:



Russell X. Pollock, Esq.
Attorney for Plaintiffs Brian Hopkins, Liana Hopkins
and Sean Hopkins
One Constitution Plaza
Boston, MA 02129
(617) 241-3000